

ASSEMBLY BILL

No. 1809

Introduced by Assembly Member Smyth

February 10, 2010

An act to amend Section 7195 of, and to add Section 7195.1 to, the Business and Professions Code, relating to home inspections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1809, as introduced, Smyth. Home inspections: energy audits.

Existing law provides that it is the duty of a home inspector, as defined, who is not licensed as a general contractor, structural pest control operator, or architect, or registered as a professional engineer, to conduct a home inspection, as defined, with the degree of care that a reasonably prudent home inspector would exercise. Existing law provides that a home inspection may include an inspection of energy efficiency, if requested by the client.

Existing law, the Warren-Alquist State Energy Resources Conservation and Development Act, requires the State Energy Resources Conservation and Development Commission to establish specified standards related to a statewide home energy rating program for residential dwellings, known as the Home Energy Rating System (HERS) program.

This bill would authorize a home inspection to include a HERS home energy audit, and to declare the intent of the Legislature that a HERS audit may be performed by a HERS home energy certified home inspector.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 7195 of the Business and Professions Code is amended to read:

7195. For purposes of this chapter, the following definitions apply:

(a) (1) “Home inspection” is a noninvasive, physical examination, performed for a fee in connection with a transfer, as defined in subdivision (e), of real property, of the mechanical, electrical, or plumbing systems or the structural and essential components of a residential dwelling of one to four units designed to identify material defects in those systems, structures and components. “Home inspection” includes any consultation regarding the property that is represented to be a home inspection or any confusingly similar term.

(2) “Home inspection,” if requested by the client, may include an inspection of energy efficiency *or a Home Energy Rating System (HERS) California home energy audit established by Section 25942 of the Public Resources Code*. Energy efficiency items to be inspected may include the following:

(A) A noninvasive inspection of insulation R-values in attics, roofs, walls, floors, and ducts.

(B) The number of window glass panes and frame types.

(C) The heating and cooling equipment and water heating systems.

(D) The age and fuel type of major appliances.

(E) The exhaust and cooling fans.

(F) The type of thermostat and other systems.

(G) The general integrity and potential leakage areas of walls, window areas, doors, and duct systems.

(H) The solar control efficiency of existing windows.

(b) A “material defect” is a condition that significantly affects the value, desirability, habitability, or safety of the dwelling. Style or aesthetics shall not be considered in determining whether a system, structure, or component is defective.

(c) A “home inspection report” is a written report prepared for a fee and issued after a home inspection. The report clearly describes and identifies the inspected systems, structures, or components of the dwelling, any material defects identified, and

1 any recommendations regarding the conditions observed or
2 recommendations for evaluation by appropriate persons.

3 (d) A “home inspector” is any individual who performs a home
4 inspection.

5 (e) “Transfer” is a transfer by sale, exchange, installment land
6 sales contract, as defined in Section 2985 of the Civil Code, lease
7 with an option to purchase, any other option to purchase, or ground
8 lease coupled with improvements, of real property or residential
9 stock cooperative, improved with or consisting of not less than
10 one nor more than four dwelling units.

11 SEC. 2. Section 7195.1 is added to the Business and Professions
12 Code, to read:

13 7195.1. It is the intent of the Legislature that a Home Energy
14 Rating System (HERS) California home energy audit performed
15 during escrow may be performed by a home inspector that is HERS
16 certified.